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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David PASCUAL *et al.*

Application No.: 09/068,935

Filed: November 23, 1998

For: THERAPEUTIC AND DIAGNOSTIC  
AGENTS FOR THE TREATMENT OF  
MICROBIAL INFECTIONS



Group Art Unit: 1644

Examiner: Phillip Gambel, Ph.D.

Commissioner of Patents  
Washington, D.C. 20231

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In response to the Office Action, mailed August 29, 2000, setting forth a restriction requirement and a series of election requirements, Applicants provide the following response.

The Office Action required restriction under 35 U.S.C. §§ 121 and 372 between the inventions of Group I (claims 1-49), Group II (claims 50-53), and Group III (claims 54-55). Applicants provisionally elect to prosecute Group I (claims 1-49).

A. The Office Action states that the application contains claims directed to the distinct species of Groups I/II/III, wherein the attachment molecule is selected from the group consisting of:

(1) proteins, glycoproteins, (2) glycolipids or (3) carbohydrates.

Applicants provisionally elect to prosecute species A (1), drawn to attachment molecules comprising proteins and glycoproteins.

B. The Office Action states that the application contains claims directed to distinct species, wherein the targeted host cells for an attachment molecule are selected from the group consisting of:

(1) leukocytes, (2) endothelial cells, (3) epithelial cells, or (4) cells of the nervous system.

Applicants provisionally elect to prosecute species B (2), drawn to endothelial cells.

C. The Office Action also states that the application contains claims directed to distinct species, wherein the targeted ligand is selected from the group consisting of:

(1) N-acetylneuraminic acid, (2) sialic acid, (3) N-acetylglucosamine or glucosamine, (4) N-galactosamine or galactosamine, (5) galactose, (6) mannose, (7) fucose or (8) lactose.

Applicants provisionally elect to prosecute species C (6), drawn to mannose.

D. Because Applicants provisionally elected to prosecute species A (1), the Office Action also states that the application contains claims directed to distinct species, wherein the attachment molecule is selected from the group consisting of:

(1) selectin or integrin, (2) cytokine, (3) chemokine, or (4) GTP-binding protein.

Applicants provisionally elect to prosecute species D (1), drawn to selectin or integrin.

E. This species election would appear to be moot, as Applicants did not elect to prosecute the species of D (4), drawn to GTP-binding proteins, at this time.

F. Because Applicants provisionally elected to prosecute species D (1), the Office Action also states that the application contains claims directed to distinct species, wherein the attachment molecule is selected from the group consisting of:

(1) E-selectin, (2) P-selectin, (3) L-selectin, (4) VLA-1, (5) VLA-2, (6) VLA-3, (7) VLA-4, (8) VLA-5, (9) VLA-6, (10) Mac-1, (11) LFA-1, (12) gp150.95, (13) CD41a, (14)

CD49, (15) CD51, (16) ICAM-1, (17) ICAM-2, (18) ICAM-3, (19) VCAM, (20) NCAM or (21) PECAM.

Applicants provisionally elect to prosecute species F (16), drawn ICAM-1.

G. The Office Action also states that the application contains claims directed to distinct species, wherein the attachment molecule is selected from the group consisting of microbes selected from the group of:

(1) E. Coli, (2) Salmonella, (3) Shigella, (4) Pseudomonas, (4) Proteus, (5) Klebsiella, (6) Aerobacter, (7) Helicobacter, (8) Plasmodium, (9) Brucella, (10) Pasteurella, (11) Leishmania, (12) Trypanosoma, (13) Mycobacterium TB, (14) Legionella, (15) Staphylococcus, (16) Streptococcus, (17) Bordetella, (18) Hemophilus, (19) Aspergillus, (20), Cryptococcus, (21) Candida, (22) Histoplasma, (23) Coccidioides, (24) Phycomycetes, (25) Entamoeba, (26) Giardia, (27) Cryptosporidium, (28) Neisseria, (29) Chlamydia, (30), Treponema, (31) Trichomona, (32) Influenza A, (34) Influenza B, (35) Influenza C, (36) Measles, (37) Mumps, (38) Adenovirus, (39) Rhinovirus, (40) Poliovirus, (41) Hepatitis, (42) Hantavirus, (43) Herpesvirus, (44) Rubella, (45) HIV, Coxsackievirus, (46) Corynebacterium, (47) Clostridium, (48) Yersinia, (49) Vibrio, (50) Entamoeba or (51) Hafnia.

Applicants provisionally elect to prosecute species E (21), drawn Candida.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: February 28, 2001

By: 

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